

KARL EVERETTS,)
)
Plaintiff,)
)
v.) No. 4:07CV1056 JCH
)
FARMINGTON TREATMENT)
CENTER, et al.,)
)
Defendants.)

Before the Court is plaintiff's motion for clarification/motion for extension of time regarding the Court's December 10, 2007 Order requiring plaintiff to provide it with a copy of his certified account statement. Plaintiff states that he has provided the Eighth Circuit Court of Appeals with a copy of the inmate account statement, and appears to express confusion as to why he needs to provide this Court with the same document. Additionally, plaintiff requests an extension of time to provide the Court with the requested information, "if necessary."

Pursuant to Henderson v. Norris, 129 F.2d 481 (8th Cir. 1997), it is this Court's responsibility to assist the appellate court with the collection and calculation of appellate filing fees. As noted in its previous Order, on October 15, 2007, this Court granted plaintiff leave to proceed in forma pauperis and dismissed the instant

action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). In addition, the Court certified that an appeal from this dismissal would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). On October 24, 2007, plaintiff filed a timely notice of appeal from this Court's October 15, 2007 Order of Dismissal. Plaintiff neither paid the \$455 filing fee nor submitted a motion for leave to proceed in forma pauperis on appeal. Because the Court had previously certified that an appeal taken in forma pauperis would not be taken in good faith, the Court ordered plaintiff to pay the full \$455 filing fee or request leave to proceed in forma pauperis with the Eighth Circuit [Doc.#16]. On December 4, 2007, the Court of Appeals granted plaintiff leave to proceed in forma pauperis on appeal, denied his motion for counsel, and ordered this Court to calculate and collect plaintiff's appellate filing fees. Because the Court of Appeals has already granted plaintiff leave to proceed in forma pauperis, he must provide this Court a certified copy of his prison account statement for the six month period immediately preceding his filing of his notice of appeal, pursuant to 28 U.S.C. § 1915(a)(1)(2), so that the Court can calculate, and collect, the proper appellate filing fee.

Accordingly,

IT IS HEREBY ORDERED that motion for extension of time to provide the Court with a certified copy of his prison account statement [Doc. #24] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall file a certified copy of his prison account statement **for the six month period immediately preceding the filing of his notice of appeal on October 24, 2007** within forty-five (45) days of the date of this Order.¹

Dated this 31st Day of December, 2007.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE

¹When requesting a certified copy of his prison account statement, plaintiff is instructed to inform the Department of Corrections that the account statement must include all activity on his account during the six month period preceding the filing of his notice of appeal on October 24, 2007.